

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Establishment of Rules Governing Procedures)	
to be Followed When Informal Complaints)	CI Docket No. 02-32
Are Filed by Entities Regulated by the)	
Commission)	
)	
Amendment of Subpart E of Chapter 1 of the)	
Commission's Rules Governing Procedures to)	CC Docket No. 94-93
Be Followed when Informal Complaints Are)	
Filed Against Common Carriers)	
)	
2000 Biennial Regulatory Review)	CC Docket No. 00-175

**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

Claude Stout
Executive Director
Telecommunications for the Deaf, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910-3803
Telephone: (800) 735-2258 (MD Relay)
(301) 589-3006 (TTY)
Facsimile: (301) 589-3797

Troy F. Tanner
Ulises R. Pin
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

Dated: May 16, 2002

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Establishment of Rules Governing Procedures)	
to be Followed When Informal Complaints)	CI Docket No. 02-32
Are Filed by Entities Regulated by the)	
Commission)	
)	
Amendment of Subpart E of Chapter 1 of the)	
Commission's Rules Governing Procedures to)	CC Docket No. 94-93
Be Followed when Informal Complaints Are)	
Filed Against Common Carriers)	
)	
2000 Biennial Regulatory Review)	CC Docket No. 00-175

**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

SUMMARY

Telecommunications for the Deaf, Inc. ("TDI"), a national advocacy organization actively engaged in representing the interests of individuals who are deaf, hard of hearing, late-deafened, and deaf-blind, hereby applauds the efforts of the Federal Communications Commission (the "Commission") to streamline and simplify its informal complaint procedures. However, TDI recommends that the Commission adopt a series of mechanisms to make this process more easily available to individuals with disabilities. In particular, TDI urges the Commission to take appropriate measures to ensure that companies subject to the jurisdiction of the Commission are properly equipped to handle directly all complaints filed by individuals with disabilities.

1. TDI, through undersigned counsel, hereby submits its Comments on the Commission's notice of proposed rulemaking ("NPRM") in the above-referenced proceeding.¹

I. INTRODUCTION

2. TDI is a national advocacy organization actively engaged in representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind. TDI's mission is to promote equal access to broadband, media and telecommunications for the aforementioned constituency groups.

II. COMMENTS

3. TDI applauds the Commission's efforts to consolidate and streamline its consumer complaint mechanisms for consumers to use when submitting informal complaints to the Commission. In particular, TDI supports the Commission's initiative to amend the Commission's rules to implement a uniform procedure for filing and processing informal complaints against all entities subject to the jurisdiction of the Commission, including non-common carriers, thereby simplifying the current system where each Bureau has its own requirements for filing and processing complaints. TDI believes that the establishment of a single set of rules governing such procedures will greatly benefit consumers by making it easier for them to file complaints against Commission-regulated entities that have failed to act as required by the Communications Act (the "Act") or the Commission's rules or orders.

4. TDI is concerned, however, that as currently proposed, the benefits of the Commission's proposed rule changes will not be fully and easily available to the millions of consumers with hearing and speech disabilities. According to a report by the National Center for Health Statistics,

¹ *Memorandum Opinion and Order and Notice of Proposed Rulemaking and Order*, CI Docket No. 02-32,

more than 23 million people are deaf or have a hearing disability, and more than 2.7 million people have a speech disability.² Similarly, the U.S. Census Bureau 1992 Survey of Income and Program Participation noted that 10.9 million Americans have a functional limitation in “[h]earing what is said in a normal conversation” and 2.3 million have a functional limitation in “[h]aving one’s speech understood.” Therefore, the Commission should be careful to ensure that its proposed rule changes take into account the needs of this important and large group of consumers. TDI urges the Commission to adopt the changes described below to make its proposed informal complaint procedures easily available to all consumers in the United States.

A. Addressing Informal Complaints Directly with Telecommunications Providers

5. TDI urges the Commission to include in its proposed rule amendments any measures necessary to ensure that consumers, especially those individuals with hearing or speech disabilities, have the ability to contact companies directly with their grievances. TDI believes that encouraging direct dialog between consumers and service providers will greatly reduce the number of complaints (whether formal or informal) ultimately filed with the Commission and will expedite the average time for resolution of complaints. Similar to the requirements imposed by Section 255 of the Act, TDI supports the Commission’s proposal³ for provisions requiring all entities subject to the Commission’s jurisdiction, and not only those specifically covered by Section 255, to establish a point of contact for receiving complaints and inquiries about their products and services from consumers and to file all relevant contact information with the

CC Docket No. 94-93 and CC Docket No. 00-175, FCC 02-46, released February 28, 2002).

² “Prevalence of selected chronic conditions: United States, 1990-1992.” National Center for Health Statistics. Vital Health Stat. 10(194), 1997.

³ See NPRM at ¶ 9.

Commission. Moreover, TDI recommends that full and explicit contact information on company officials responsible for customer satisfaction (*i.e.*, name, title, department, mailing address, telephone number, fax, email, etc.) be prominently displayed on the company's website and on monthly bills, where applicable.

6. Moreover, as part of its revised consumer complaint mechanisms, the Commission should require that all entities subject to its jurisdiction establish different means of receiving customer complaints which are available to individuals with disabilities. Among these means are electronic mail, TRS, TTY, Braille TTY and other emerging new technologies that allow and facilitate communication with individuals with disabilities. Consumers that have hearing or speech disabilities generally are not able to hold conversations over the telephone, or interact with computer databases or other traditional customer service response systems without special telecommunications equipment or services, such as TTY equipment and telecommunications relay services. For instance, TTY equipment is virtually non-existent in television stations and other broadcasters. Often deaf callers are unable to report after business hours that a program is not captioned or lost captioning. Therefore, as part of any measures aimed at encouraging direct complaint resolution between consumers and service providers, TDI recommends that the Commission adopt specific rules ensuring that all entities subject to its jurisdiction implement adequate mechanisms that allow consumers with hearing and speech disabilities to effectively communicate with their respective customer complaint departments.

7. As to the time frame for responding to customer complaints, TDI supports the Commission's initiative to set a predictable and uniform time frame for companies to respond to customer complaints. TDI believes that a 30-day term is a sufficient time frame for a company to respond to a customer's complaint, regardless of the complexity of the underlying problem.

Moreover, TDI proposes that this 30-day term for responding to customer complaints become applicable to all entities subject to the jurisdiction of the Commission, regardless of whether the complaint was filed directly with the company or through the Commission. And when responding to consumer complaints, the Commission should require responses to be in easily understandable language that would be understood by the average layman.

B. Form and Content of Informal Consumer Complaints

8. TDI supports the Commission's initiative of providing clear guidelines for what information consumers should provide when filing an informal complaint with the Commission. However, TDI believes that the requirements currently proposed by the Commission⁴ can be supplemented in a number of ways. First, and consistent with Section 255 of the Act, the Commission should require companies to respond to consumer complaints in the complainant's preferred method of response (*e.g.*, letter, fax, TTY, Braille, etc.). This will allow consumers with disabilities to have certainty of the means by which they will receive a response to their complaint, thereby ensuring that the response will be accessible to, and understood by the individual making the complaint.

9. Second, TDI urges the Commission to publish or otherwise make readily available through the Commission's website or other media accessible to individuals with listening or speech disabilities, information on consumer's rights against entities regulated by the Commission. Towards this end, it would also be useful if the Commission also made available model letters of complaint for different situations. The availability of this information will help consumers focus their complaints on matters within the Commission's jurisdiction, and thereby

⁴ See NPRM at ¶ 11.

greatly assist the Commission in processing consumer complaints and reducing the number of unresolved complaints. As part of the model complaint, the Commission should require contact information for the complainant so that if the person investigating the complaint has further questions, they can easily contact him/her. In addition, in the event the Commission receives a complaint on an issue or against a company outside of the Commission's jurisdiction, TDI encourages the Commission to promptly notify the consumer and possibly alert him/her to other agencies or organizations that actually handle these kinds of complaints. The Commission should have links on its website to other agencies that handle these consumer complaints.

Finally, while the Commission requests that complainants propose a solution or redress when filing a complaint, the Commission should be mindful that not all consumers are technical experts or regulatory experts. Therefore, consumers might not be able to come up with a viable solution each and every time they file a complaint.

C. Responses to Consumer Complaints filed by Individuals with Disabilities

10. TDI encourages the Commission to increase the level of cross-disability training throughout the different Bureaus of the Commission, particularly in the Consumer and Governmental Affairs Bureau ("CGB" (formerly known as the Consumer and Information Bureau)), in order to handle complaints from consumers with disabilities. While TDI supports the Commission's proposal that the CGB handle all consumer informal complaints, TDI believes that certain complaints will necessarily require the involvement of other Bureaus within the Commission, such as the Enforcement Bureau, in the event that a formal complaint becomes necessary. As such, TDI strongly urges the Commission to adopt all actions necessary or convenient to ensure that its staff, particularly in the CGB and the Enforcement Bureau, receives

appropriate cross-disability training, in order to effectively assist consumers while handling complaints filed by consumers with disabilities.

11. In addition, TDI encourages the Commission to be more diligent in following up on complaints. The Commission should establish a follow-up system that ensures that the underlying concerns raised in a complaint have been handled properly. For instance, in a Section 255 proceeding, if a company resolves a complaint by offering an alternative product, the original product which was the source of the complaint, is still on the market and could still be a problem to other consumers with disabilities. Therefore, the Commission should establish a mechanism to correct the underlying causes for the complaint.

12. Finally, TDI urges the Commission not only to coordinate its complaint processes with the processes used by state and local governments, but also to coordinate with the processes used by other non-governmental consumer organizations. This is particularly important for those complaints filed by individuals with disabilities, especially those filed under Section 255 of the Act. As the Commission is aware, non-governmental consumer organizations receive a significant number of complaints about a wide array of issues related to the communications industry, some of which are within the jurisdiction of the Commission. In these cases, consumer organizations have traditionally used their best efforts to channel these complaints to the Commission in order to obtain formal adjudicatory resolution as expeditiously as possible. However, TDI is aware that some of these organizations have complained about the lack of effective coordination and communication between the Commission and the non-governmental organizations, thus resulting in unnecessary delays in resolving the complaints filed by individuals with disabilities. To that end, TDI encourages the Commission to implement better coordination policies and to establish a central point of contact for non-governmental consumer

organizations to channel complaints filed with such organizations, but that otherwise should be resolved by the Commission.

III. CONCLUSION

13. TDI applauds the Commission's efforts to consolidate and simplify its informal complaint procedures, and to amend the Commission's rules to establish clear mechanisms governing these procedures. TDI strongly urges the Commission, however, to take measures in order to make this process accessible to all consumers, especially people with hearing or speech disabilities.

Respectfully submitted,

by Ulises R. Pin

Claude Stout
Executive Director
Telecommunications for the Deaf, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910-3803
Telephone: (800) 735-2258 (MD Relay)
(301) 589-3006 (TTY)
Facsimile: (301) 589-3797

Troy F. Tanner
Ulises R. Pin
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

Its Attorneys

Dated: May 16, 2002